

**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

In the Matter of:

ERIC D.

Claimant,

vs.

WESTSIDE REGIONAL CENTER,

Service Agency.

OAH Case No. L 2006040024

**DECISION**

This matter was heard by Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, in Los Angeles on June 1, 2006; July 13, 14, and 31, 2006; August 1 and 3, 2006; and October 2, 3, 5, 6 and 11, 2006.

Claimant Eric D.<sup>1</sup> (Claimant) was represented by his father, Dr. Joseph D.

Westside Regional Center (WRC or Regional Center) was represented by Judith A. Enright, Esq., of Enright and Ocheltree, LLP. Mary Rollins, Director of Client Services for WRC, was also present.

The record was left open until November 8, 2006, in order for the parties to submit closing briefs. WRC's brief was received and marked as exhibit ALJ-14. Claimant's brief was received and marked as exhibit ALJ-15. The matter was submitted for decision on November 9, 2006. By stipulation between the parties, this decision was due by December 8, 2006.

---

<sup>1</sup> Only Claimant's first initial of his last name is used to protect his privacy and that of his family. For that same reason, only the first initial of his family members' last name will be used.

## ISSUES PRESENTED

On May 22, 2006, ALJ Carolyn Magnuson held a prehearing conference with the parties. On May 27, 2006, ALJ Magnuson issued an order which specified the following issues<sup>2</sup> as being within the jurisdiction of this fair hearing procedure according to the provisions of Welfare and Institutions Code<sup>3</sup> section 4710 et seq.:

1. Whether WRC refused to appropriately assess Claimant's needs by limiting the assessment location to Claimant's father's home?
2. Whether WRC should be required to base assessments of Claimant's needs on his unique and complete family situation?
3. Whether a parent's gender and marital status are acceptable considerations when assessing Claimant's need and/or approving supports and services for Claimant?
4. Whether WRC's failure to provide Claimant's father with information on summer services available for Claimant resulted in impairment of the delivery of services to him?
5. Whether WRC should be required to provide to Claimant's father information on specialized supervision in 2006 summer camps for Claimant?
6. Whether WRC should pay for Claimant to attend a one week sleep away summer camp during the time he resides with his father?
7. Whether the Claimant's service coordinator should be primarily responsible for locating needed supports and services for Claimant?
8. Whether WRC should pay restitution from June 2005 to the present to Claimant's father for denial of services to Claimant while residing with his father?

---

<sup>2</sup> Issue numbers 9-11 were not included in ALJ Magnuson's order as issues to be decided by this hearing. At that time, those issues were determined to be more appropriately addressed through the procedures established under Welfare and Institutions Code section 4731. Thereafter, on June 13, 2006, Carol J. Risley, Chief, Office of Human Rights and Advocacy Services, Department of Developmental Services (DDS), declined to address those issues under the procedures described in Welfare and Institutions Code section 4731 and determined those issues appropriate for decision under the fair hearing procedures set forth in Welfare and Institutions Code section 4710 et seq. (Exhibit ALJ-1.) As such, these issues were included in this fair hearing.

<sup>3</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise stated.

9. Whether WRC should be required to provide identical services to Claimant whether he is residing with his mother or with his father?

10. Whether WRC should be required to justify any differences in the services provided to Claimant by the service agency when he resides in one person's home or the other?

11. Whether WRC should pay restitution to Claimant's father for denial of information and assessments since June 2005?

### ISSUES NOT PRESENTED

ALJ Magnuson also ordered that the following issues<sup>4</sup> were not appropriate for the fair hearing process and must be addressed through the procedures set forth in Code section 4731, subsection (e):

1. Whether Westside Regional Center wrongly reduced Claimant's father's access to Claimant's records at Westside Regional Center.

2. Whether Westside Regional Center improperly discontinued providing information concerning Claimant to his father via the usual and customary media.

3. Whether Westside Regional Center acted wrongly in deciding to provide copies of Claimant's reports and assessments to Claimant's father on a quarterly basis and should be compelled to immediately provide Claimant's father with copies of relevant documents prepared or obtained by Westside Regional Center.

4. Whether Westside Regional Center has engaged in a continuing pattern of discrimination against Claimant's father on the basis of gender and marital status.

5. Whether Westside Regional Center should be required to provide Claimant's father with unconditional access to all of Claimant's records.

6. Whether Westside Regional Center personnel should be required to promptly respond in kind to all communications from Claimant's father to the Regional Center.

7. Whether Westside Regional Center should be compelled to provide all information obtained by Westside Regional Center concerning Claimant's maternal family.

8. Whether Westside Regional Center should be required to provide to Claimant's father a copy of Claimant's August 29, 2005 Individual Program Plan.

---

<sup>4</sup> The below list does not include the three issues which were ultimately determined to be appropriately heard during the fair hear process as discussed in footnote number 3.

9. Whether Westside Regional Center should be compelled to disclose to Claimant's father details of the types and amounts of services provided to Claimant while he is residing with his mother.

### EVIDENCE RELIED ON

Documents: Claimant's exhibits C-1 to C-90; Regional Center exhibits RC-1 to RC-39; and ALJ exhibits ALJ-1 to ALJ-15 (only as to those exhibits admitted as indicated on the official exhibit list and as described on the record.)

Testimony: Mary Rollins, Mike Danneker, Alice Rademacher, Robin Clark, Carmine Manicone, Daisy Marks, Debra Ray, Stanley Nakao, Melissa D., Lee Weinstein, Diane Cardoza, Stancey Deluca, Joseph D., Linda D., and Mary Lou Weise-Stusser.

### FACTUAL FINDINGS

#### *Jurisdiction and Case History*

1. On March 26, 2006, Claimant filed a Fair Hearing Request (FHR).
2. On June 15, 2006, Claimant filed an "Amendment to Request for Fair Hearing." (Exhibit ALJ-2.) In pertinent part, Claimant offered the following additional issues:
  - a. Payment to Prime Time Sports Camp for April 2006 attendance.
  - b. Payment to Village Glen Social Skills Camp for June 2006 attendance.
  - c. An increase in specialized supervision hours for various intervals between July 2006 and September 2006.
  - d. Payment to Prime Time Sports Camp for attendance from August 28 to September 1, 2006.
  - e. Payment for UCLA ID Tech Camp during August 2006.
3. On July 13, 2006, the above-described motion to amend the fair hearing request was decided. Claimant withdrew the first two proposed amendments (Factual Finding 2(a) and 2(b)) and the remaining three proposed amendments (Factual Finding 2(c), 2(d), and 2(e)) were denied for reasons fully set forth on the record.
4. Prior to the FHR at issue, Claimant (and his brother Gregory) also filed Fair Hearing Requests that resulted in a settlement on May 26, 2005. That settlement resolved any and all disputes prior to May 26, 2005.

### *Background Information*

5. Claimant is a 15 year-old (D.O.B. August 12, 1991) teenager and is a consumer of WRC by virtue of his diagnosis of autism.

6. Since 1997, Claimant and his adult autistic brother Gregory have lived with their divorced parents, Linda D. (Mom) and Joseph D. (Dad), on an alternating weekly basis under joint and equal legal and physical custody. Claimant alternates his residence weekly between Mom and Dad's houses. Dad has remarried and his wife's name is Melissa D. Dad and Melissa D. have a daughter together, born in 2002.

### *Events Since the May 26, 2005 Settlement*

7. At the time of the previously described May 2005 settlement, Alice Rademacher (Rademacher) was the service coordinator for Claimant while he resided in both Dad and Mom's households. Dad was dissatisfied with the performance of Rademacher, but Mom was very satisfied with Rademacher's performance. In an attempt to satisfy all involved parties, Mary Rollins (Rollins) decided on the following: Rademacher would remain as the service coordinator for Claimant while he resided in Mom's household and a different service coordinator would be chosen for Dad's household. Initially, Carmine Manicone (Manicone) was chosen as the service coordinator for Dad's household and he served in this capacity for approximately two months, until July 2005. Thereafter, Robin Clark (Clark) was appointed as the service coordinator for Dad's household and Clark continues to presently serve in this capacity.

8. Clark had no prior experience with minor clients residing in parental homes, instead having prior experience solely with institutionalized adults. Of Robin Clark's 62 current clients, Claimant is the only minor. Rollins made the reassignment of Claimant's case to Clark because Clark had a smaller caseload and would have more time to assist Dad.

9. Rademacher also has a caseload which consists of only a few consumers under age 18. Rademacher was Claimant's service coordinator from approximately 1990 to 2005.

10. Clark and Dad's relationship began deteriorating in early 2006. The present communication between the household of Joseph D. and WRC is strained. Presently, Dad can leave a phone message, send an e-mail, or write a letter. Clark will only respond in writing. This is different from the typical situation where a parent can simply call the service coordinator and obtain information. WRC contends that this method of communication is necessary due to Dad's constant phone calls. Dad's access to the Claimant's written records is also presently limited to no more than once quarterly. Dad contended and established that he has not excessively contacted WRC via phone or e-mail. The "ID notes" in Claimant's file, which are generally updated whenever there is contact between a parent and WRC, do not reflect excessive contact by Dad. WRC did not place any similar restrictions on communications with Mom. It was not established why Dad has never requested that a

different service coordinator be chosen to service his household. In any event, what is most important is the service to Claimant.

### *The August 2005 IPP*

11. As pertinent to this case, Claimant's most recent Individual Program Plan (IPP) meeting was held on August 29, 2005. The Claimant's Mom, Dad, and Melissa D., as well as service coordinators Rademacher and Clark, among other persons, attended this meeting. Insufficient evidence was presented to support Dad's contention that Claimant's needs were not properly assessed.

12. Contrary to the usual WRC policy that a written report be generated within 30 days of an IPP meeting, written reports of Claimant's August 29, 2005 meeting were not timely produced. Each service coordinator prepared a separate report. Clark's report (for Dad's household), dated August 30, 2005, was not completed until approximately March 2006. Rademacher's report (for Mom's household) was not completed until approximately April 2006. Dad contended that an IPP meeting took place in approximately April 2006 at Mom's house and that he was excluded from this meeting. Insufficient evidence was presented to establish that such a meeting occurred. While Rademacher's IPP report is dated April 2006, the evidence established that this untimely report was regarding the August 2005 IPP.

### *Specialized Supervision and the Family Cost Participation Program*

13. The Claimant and his brother Gregory receive joint specialized supervision in their maternal and paternal homes, with the respective parents acting as parent vendors. Specialized Supervision is designed to provide support for consumers who require support beyond that which a typical child would require and whose parents work or are in school

14. Dad's household receives 45 hours per month of specialized supervision. Mom's household receives 30 hours per month of specialized supervision. Specialized supervision is currently funded at the following rates per hour: \$8.57 (individual rate); \$11.19 (sibling rate); and \$5.60 (half the sibling rate).

15. The Fair Cost Participation Program (FCPP) is a recently created WRC program and there were some problems during its implementation. Under this program, a family pays a percentage, based on their income, of the cost of certain services and WRC funds the remainder. Both Mom and Dad's assessment is 80 percent. At first, the cost under this program for both Dad and Mom's households was miscalculated. That is, Claimant's brother, Gregory, is over 18 years of age and the FCCP should have not been applied to him, which it was initially in Dad's household. However, Dad's household was reimbursed \$1,134.78 for the error in calculation with respect to Dad's household. (See Exhibit RC-22). It was not established that this reimbursement check did not fully reimburse Dad's household for the prior miscalculation. Further, insufficient evidence was presented to support Dad's contention that the FCCP amount for his household is currently being miscalculated. As to

Mom's household, the FCCP assessment was also initially not properly applied. Mom's household was initially not assessed any FCCP cost during January and February 2006. However, in May 2006, WRC requested reimbursement from Mom for her FCCP portion in the amount of \$377.08, which she paid. (Exhibit C-58.)

### *Summer Camp*

16. Under the August 2005 IPP, in the "Living Arrangement" section, Dad and Mom agreed to discuss a summer camp for 2006. Thereafter, WRC agreed to fund two summer camps for Claimant, one while he resided with Dad, and one while he resided with Mom.

17. Reservations for summer camps need to be made far in advance of the upcoming summer. Any parent with children, typical or not, should be aware that summer camps fill early. Generally, reservations for the summer camps suitable for Claimant should be made no later than March.

18. Claimant did go to a sleep-away summer camp during the summers of 2005 and 2006 while residing at Mom's house. Dad contended that the service coordinator's failure to provide information and assistance prevented Claimant from also attending a sleep-away camp while in Dad's household. However, the evidence established that Melissa D. was aware of camps that serve children with autism as early as May 2005. The reason that Claimant did not attend a sleep-away camp in 2005 was a scheduling issue between Dad's dates of custody and the dates of camp availability. In early 2006, Melissa D. again contacted a number of summer camps, but those camps were not available during Dad's dates of custody. She then contacted Clark, in approximately March 2006, who sent her a list of possible camps via facsimile. The camp list stated it was a 2004 list, but it was the most current list available. Clark did not provide information concerning summer camp deadlines.

19. It is noted that Mom was able to find available dates given the same amount of custody of Claimant because she contacted camps approximately nine months prior to the upcoming summer. At Dad's household, in lieu of a summer sleep-away camp in 2006, Claimant went to Prime Time day camp, which WRC funded, albeit only after the fair hearing process began. Claimant was dropped off and picked up six times for a total of 12 hours at a reasonable rate of \$10 per hour. This expense would not have been incurred had Claimant attended an overnight camp.

### *WRC's Collection of Gender and Marital Status Information*

20. It was not established that WRC has written policies regarding discrimination against its clients based on gender or marital status.

21. WRC does collect information about the consumers it services, their families, and their "circle of support." This information includes whether there are married persons in the household. This "married" designation is only significant in that it indicates there are two

adults in the household (as compared to “single” which generally indicates there is only one adult in the household absent additional information). That is, the “married” designation helps WRC in identifying the natural supports available in the home.

22. It was not established that WRC is treating Dad’s household differently than Mom’s household solely because he is male and/or because he has remarried. It was not established that Mom’s household receives more services than Dad’s household. Rather, Dad is treated differently by WRC because of the strained relationship between them. In fact, Dad’s household receives funding for more specialized supervision (45 hours) than does Mom’s household (30 hours).

*Findings Regarding Allegation that Information has been Denied*

23. Mom has high praise for the services provided to her household by Rademacher.

24. WRC instructed Dad to obtain information concerning Claimant by accessing his written records at WRC. Dad’s access to Claimant’s file is limited to quarterly (i.e. four times per year).

25. Dad made multiple requests in March 2006 to review records maintained by WRC concerning Claimant. Service coordinator Clark made an appointment for Dad to review Claimant’s records on March 29, 2006. As Dad was reviewing Claimant’s WRC file that day, Clark demanded that he stop accessing the records at a time before he could make copies using his portable photocopier, which Dad had intended to do. Clark informed Dad that she needed to leave for another appointment prior to the completion of Dad’s review of Claimant’s records, which is why she asked Dad to stop. Although several WRC personnel were in the immediate vicinity, Clark did not ask any of them to supervise Dad’s review of the records in her absence.

26. Dad served subpoenas demanding production of all records maintained by WRC concerning Claimant upon persons including: the custodian of WRC records; Executive Director Michael Danneker; Rollins; Clark; Rademacher; supervisor Debra Ray; and supervisor Stan Nakao. Most subpoenaed persons produced no documents prior to the beginning of the hearing, nor did these persons bring documents when initially called to testify.

27. During the hearing, some WRC witnesses admitted to keeping records regarding Claimant which were not included in Claimant’s file and which had not been produced in response to Claimant’s subpoenas. WRC was immediately ordered to produce all of these documents at issue. WRC did so, and the hearing was extended so as to allow Dad an opportunity to review these documents.



## LEGAL CONCLUSIONS

### *Jurisdiction & Burden of Proof*

1. The Lanterman Developmental Disabilities Services Act (Lanterman Act) governs this case. (Code, § 4500 et seq.) An administrative “fair hearing” to determine the rights and obligations of the parties is available under the Lanterman Act to appeal a regional center decision or act, including discrimination or acts not in the consumer’s best interest. (Code, § 4710.5) Claimant properly and timely requested a fair hearing and therefore jurisdiction for this appeal was established. (Factual Findings 1-4.)

2. Where an applicant seeks to establish eligibility for government benefits or services, the burden of proof is on him. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 (disability benefits); *Greator v. Board of Admin.* (1979) 91 Cal.App.3d 54, 57 (retirement benefits).) The standard of proof in this case requires proof to a preponderance of the evidence, pursuant to Evidence Code section 115, because no other law or statute (including the Lanterman Act) requires otherwise.

### Issue Number 1: Whether WRC refused to appropriately assess Claimant’s Needs by Limiting the Assessment Location to Claimant’s Father’s Home?

3. Dad contended that proper case management requires assessment of the whole child client and his complete family unit, including his paternal family. Dad relies on Code section 4646.5, subsection (a), which states:

The planning process for the individual program plan described in section 4646 shall include all of the following: (1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole. Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible. Information shall be taken from the consumer, his or her parents and other family members, his or her friends, advocates, providers of services and supports, and other agencies. The assessment process shall reflect awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and the family. (Emphasis added.)

4. It was not established that WRC refused to appropriately assess Claimant’s needs. Claimant resides in two separate households on an alternating weekly basis. Therefore, his needs at each of these households must be assessed. Dad’s contends that Claimant should be assessed as a “whole” and not in “parts.” However, WRC merely assessed Claimant’s needs at each household, a situation that WRC did not create. By appointing a service coordinator

for each household in which Claimant resides, WRC was attempting to satisfy both Mom and Dad. While evidence was presented that the two service coordinators do not always coordinate efficiently, it was not established that Claimant's needs have not been properly assessed. (Factual Findings 5-12.)

Issue Number 2: Whether WRC Should be Required to Base Assessments of Claimant's Needs on his Unique and Complete Family Situation?

5. In order to determine how an individual client is to be served, regional centers are directed to conduct a planning process that results in an IPP designed to promote as normal a life as possible. (Code, § 4646; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 389.) The IPP is developed by an interdisciplinary team and must include participation by the client and/or his or her representative. Among other things, the IPP must set forth goals and objectives for the client, contain provisions for the acquisition of services (which must be based upon the client's developmental needs), contain a statement of time-limited objectives for improving the client's situation, and reflect the client's particular desires and preferences (Code, §§ 4646, subd. (a)(1, 2, and 4), 4646.5, subd. (a), 4512, subd. (b), 4648, subd. (a)(6)(E)). A regional center must then "secure services and supports that meet the needs of the consumer" within the context of the IPP (Code, § 4648, subd. (a)(1)).

6. WRC was required to assess Claimant's needs on his unique and complete family situation. (Code, §§ 4512, subd. (b), and 4646.5.) It was not established that WRC failed to do so based on the same reasoning as stated in the Legal Conclusion for Issue Number 1. (Factual Findings 5-12, Legal Conclusion to Issue 1.)

Issue Number 3: Whether a Parent's Gender and Marital Status are Acceptable Considerations When Assessing Claimant's Needs and/or Approving Supports and Services for Claimant?

7. Code section 4502 states, in pertinent part:

Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California. No otherwise qualified person by reason of having a developmental disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity, which receives public funds.

Dad's gender should not be considered, in an arbitrary or discriminatory manner, by WRC when assessing Claimant's needs and/or approving supports and services for Claimant. However, it was not established that WRC considers Dad's gender, in an arbitrary or discriminatory manner, when making decisions related to the provision of services to Claimant.

8. Similarly, Dad's marital status should not be the considered, in an arbitrary or discriminatory manner, by WRC when assessing Claimant's needs and/or approving supports and services for Claimant. However, it was not established that WRC is acting in an arbitrary or discriminatory manner. WRC does note Dad and Mom's marital status information, but only in so far as it provides information concerning Claimant's "circle of support," as set forth in Factual Findings 20-22.

Issue Number 4: Whether WRC's Failure to Provide Claimant's Father with Information on Summer Services Available for Claimant Resulted in Impairment of the Delivery of Services to Him?

9. Code section 4640.7 states:

(a) It is the intent of the Legislature that regional centers assist persons with developmental disabilities and their families in securing those services and supports which maximize opportunities and choices for living, working, learning, and recreating in the community.

(b) Each regional center design shall reflect the maximum cost-effectiveness possible and shall be based on a service coordination model, in which each consumer shall have a designated service coordinator who is responsible for providing or ensuring that needed services and supports are available to the consumer. Regional centers shall examine the differing levels of coordination services needed by consumers and families in order to establish varying caseload ratios within the regional center which will best meet those needs of their consumers.

The purpose of the Lanterman Act is to assist persons with developmental disabilities, not to completely coordinate and secure every service without any assistance or cooperation from Claimant or his family. For the reasons set forth in Factual Findings 16-19, it was not established that WRC failed to provide Dad with information on summer services available for Claimant which resulted in impairment of the delivery of services to Claimant.

Issue Number 5: Whether WRC Should be Required to Provide to Claimant's Father Information on Specialized Supervision in 2006 Summer Camps for Claimant?

10. For the reasons set forth in Factual Findings 16-19, it was not established that WRC failed to provide Dad with information on specialized supervision in 2006 summer camps for Claimant.

Issue Number 6: Whether WRC should Pay for Claimant to Attend a One-Week Sleep Away Summer Camp During the Time He Resides with His Father?

11. It was established that WRC agreed to fund this service for Claimant for the summers of 2005 and 2006. Because Dad was unable to utilize a sleep away summer camp in 2006, WRC should reimburse Claimant for the \$120 in additional expense incurred when Claimant attended a day camp instead. (Factual Findings 16-19.) Future summer sleep away camps should be funded, or not, as indicated in Claimant's IPP.

Issue Number 7: Whether the Claimant's Service Coordinator Should be Primarily Responsible for Locating Needed Supports and Services for Claimant?

12. Code section 4640.6, subsection (d), states:

For purposes of this section, "service coordinator" means a regional center employee whose *primary responsibility includes* preparing, implementing, and monitoring consumers' individual program plans, *securing and coordinating consumer services and supports*, and providing placement and monitoring activities." (Emphasis added.)

13. While the service coordinator is primarily responsible, the service coordinator is not solely responsible for locating needed supports and services for Claimant. That is, Dad's household also shares in this responsibility. To find otherwise would mean that Dad could do nothing and demand that WRC coordinate every aspect of Claimant's services. Such is not the intent of Lanterman Act, which implies a level of cooperation between the regional center and the parents of a minor consumer. (Factual Findings 10, 16-19.)

Issue Number 8: Whether WRC Should Pay Restitution from June 2005 to the Present to Claimant's Father for Denial of Services to Claimant While Residing with His Father?

14. At hearing, Dad stated that he was seeking restitution for an error in calculation of his FCCP share, both retroactively and continuing. During the hearing, WRC gave Dad a reimbursement check in the sum of \$1,134.78. It was not established that this payment did not fully reimburse Dad. It was also not established that WRC is presently miscalculating Dad's FCCP share for the reasons set forth in Factual Findings 13-15.

Issue Number 9: Whether WRC Should be Required to Provide Identical Services to Claimant Whether He is Residing with His Mother or with His Father?

15. Dad contends that Claimant should be provided the same services while in either Mom or Dad's household. Under Code section 4646, the regional center must assess Claimant's needs based on his particular needs and situation. Since each household presents a different situation, Claimant's needs must be assessed at each of his residences. What services Claimant receives at Mom and Dad's households is dependent on his needs in each separate household. In fact, with the exception of summer camp, the evidence established

that Dad receives at least the same funding for various services as does Mom's household. If Dad's contention was accepted, the ALJ would be required to order that the level funding Dad receives for specialized supervision be reduced to the level of funding Mom's household receives for this service. This does not make sense as Claimant's needs vary at each household. (Factual Findings 5-6, 11-12; Legal Conclusion for Issues 1-2.)

Issue Number 10: Whether WRC Should be Required to Justify Any Differences in the Services Provided to Claimant by the Service Agency when He Resides in One Person's Home or the Other?

16. WRC is required to fund necessary services for Claimant. (Code, § 4646) As such, WRC is required to have a valid basis for providing different services to Claimant when he resides in Dad or Mom's home. Again, with the exception of summer camp, the evidence established that Dad receives at least the same funding for various services as does Mom's household. (Factual Findings 5-6, 11-12; Legal Conclusions for Issues 1, 2, and 9.)

Issue Number 11: Whether WRC Should Pay Restitution to Claimant's Father for Denial of Information and Assessments since June 2005?

17. No legal authority was cited by Dad in his closing brief that indicates monetary restitution may even be considered as a remedy. It was not established that Claimant was denied an assessment.

18. It was established that the present relationship between WRC and Dad is strained. Both parties need to be mindful that their respective feelings about the other party should not impede the services Claimant receives. For that reasoning, it was established that a new service coordinator should be appointed for Claimant while he resides in Dad's household so that both parties can begin anew and again attempt to communicate in the normal and customary manner. (Factual Findings 7-10.)

//

//

//

//

//

//

//

//

## ORDER

1. Claimant Eric D. shall be reimbursed, at Dad's household, the sum of \$120.
2. WRC shall, within 30 days of the effective date of this Decision, appoint a new service coordinator for Claimant for when he resides in Dad's household.
3. WRC shall, within 30 days of the effective date of this Decision, begin communicating with Dad in the normal and customary manner that WRC utilizes when communicating with parents of minor consumers.

DATED: December \_\_\_\_, 2006,

---

CHRIS RUIZ  
Administrative Law Judge  
Office of Administrative Hearings

## NOTICE

**This is the final administrative decision pursuant to Welfare and Institutions Code section 4712.5, subdivision (b)(2). Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.**